



General Certificate of Education  
Advanced Level Examination

## Law

## LAW04

### Unit 4 Criminal Law (Offences against Property) or Tort AND Concepts of Law

Specimen paper for examinations in June 2010 onwards  
This question paper uses the [new numbering system](#) and [new AQA answer book](#)

**For this paper you must have:**

- an AQA 12-page answer book.

#### Time allowed

- 2 hours

#### Instructions

- Use black ink or black ball-point pen.
- Write the information required on the front of your answer book. The **Examining Body** for this paper is AQA. The **Paper Reference** is LAW04.
- Choose **one** scenario from two from **either** Section A (Criminal Law – Offences against Property), **or** Section B (Tort), **AND one** question from Section C (Concepts of Law).
- In Section A **or** Section B, answer **both** questions on the scenario you choose.
- Do all rough work in your answer book. Cross through any work that you do not want to be marked.
- Use continued prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

#### Information

- The marks for questions are shown in brackets.
- The maximum mark for this paper is 85.
- In questions [0 9], [1 0] and [1 1] marks will be awarded for AO3, and so you will be marked on your ability to:
  - – use good English
  - use good English
  - organise information clearly
  - use specialist vocabulary where appropriate.

#### Advice

- You are advised to spend no more than one hour on Section A or Section B. It is recommended that you spend 15 minutes planning your answer to Section C.

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**Section A Criminal Law (Offences against Property)**

Choose **one** scenario from two on the theme you have studied for this unit.  
Read the scenario and answer **both** questions.

Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

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**Total for this scenario: 50 marks**

**Scenario 1**

Wayne was walking down the street when someone suddenly said to him, "You have just dropped this", thrust a piece of paper into his hand and walked off. Wayne put the piece of paper into his pocket without looking at it and did not discover until two hours later that it was actually a ticket for a seat at that evening's football match between City and United. Feeling a little guilty about using a ticket that he had not paid for, Wayne went to the football stadium and used it to gain entry.

Before the match started, Wayne drank five pints of beer at the bar under the stand in which he was to sit. As he was about to go to the steps leading up to the seats, he noticed a sign against the pies behind the counter of the bar. The sign appeared to him to say 'free pies'. He reached over and took two pies from behind the counter. In fact, the sign explained how free pies could be obtained with other purchases. Shortly afterwards, Jerry, a steward, was informed of Wayne's actions and tried to prevent him from taking a seat. Wayne pushed Jerry, who fell down the steps and broke his arm.

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|----------|----------|--|
| <b>0</b> | <b>1</b> | Discuss Wayne's criminal liability for a range of offences arising out of his keeping the ticket and using it to gain entry to the match. <span style="float: right;"><i>(25 marks)</i></span> |
| <b>0</b> | <b>2</b> | Discuss Wayne's criminal liability for a range of property offences in connection with the incidents in the football stadium. <span style="float: right;"><i>(25 marks)</i></span>             |

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**Total for this scenario: 50 marks**

**Scenario 2**

One night, 'for a laugh', Billy dismantled the safety barriers round a hole in the road and threw them over a hedge into a stream, along with the warning lights, one of which broke. The next day, he was in a park when he came across a mountain bike, which was lying on the ground near a path. Though he waited 15 minutes, he did not see anyone else, so he rode off on the bike. A week later, Charlie saw the bike parked outside a house. Though there were significant differences in colour and other features, he immediately believed it to be his own bike, which had been stolen a few weeks before. He had just put his hands on the handlebars and was about to jump onto it when Billy came out of the house. Charlie ran off. In reality, it was not Charlie's bike.

Billy, who was about 19 years old, told Eddie, who was 16 years old and of low intelligence, that he would beat him up unless he did everything he said. Billy gave him a toy gun and a towel to wrap round it to disguise its appearance, and told him to go into the local shop and demand money from the shop owner, Jan, to give to Billy. Eddie entered the shop very hesitantly, not really knowing what to do, but then pointed the gun at Jan and snatched the nearest object he could find. As he did so, Jan suffered a heart attack and collapsed. She took many months to recover. When Eddie examined what he had taken, he found that it was a box containing chocolates.

- 0 3** Discuss the criminal liability of Billy arising out of the incident with the safety barriers and warning lights, and of Billy and of Charlie in connection with the mountain bike. *(25 marks)*
- 0 4** Discuss the criminal liability of Billy for any property offence arising out of his treatment of Eddie and, taking account of any possible defence, discuss Eddie's criminal liability for any property offences arising out of the incidents at the shop. *(25 marks)*

**Turn over for the next section**

**Turn over ►**

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### Section B Tort

Choose **one** scenario from two on the theme you have studied for this unit.  
Read the scenario and answer **both** questions.

Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

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**Total for this scenario: 50 marks**

#### Scenario 3

Previously a quiet lake overlooked by a few cottages, Blackwater has recently been developed by its owner, Sportlife Developments, to provide extensive leisure facilities, including swimming and powerboating. In consequence, the owners of the cottages, including Ingrid, have experienced a large increase in noise, especially at weekends and during frequent competition weeks, when traffic and parking problems have also made it difficult for them to leave or return to their properties. Additionally, damage to a diesel oil storage tank owned by Sportlife Developments resulted in a leak which caused extensive contamination of Ingrid's vegetable garden.

Some swimmers were in the habit of swimming beneath the surface in an area of Blackwater clearly marked out for powerboating only. Whilst doing so, Jon surfaced into the path of a powerboat being driven by Kylie. In the resulting collision, Jon suffered severe facial injuries and Kylie was knocked out of the boat and had her arm severed by the propeller. Kylie's friend, Rachel, who was in another boat, dragged her out of the water to safety. The experience caused Rachel deep emotional disturbance.

**0 5**

Consider what rights and remedies the owners of the cottages, including Ingrid, may have in connection with the noise and other problems caused by the leisure activities and the oil spillage. *(25 marks)*

**0 6**

Consider what rights and remedies Jon, Kylie and Rachel may have against Sportlife Developments. *(25 marks)*

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**Total for this scenario: 50 marks**

**Scenario 4**

Mark was a historian engaged as a consultant by a national newspaper, *The Literary Record*. He was shown diaries alleged to have been written in the nineteenth century by a famous author. The diaries were not previously known to exist. After extensive research, Mark concluded that the diaries were genuine and *The Literary Record* published his conclusions in a front page story. After reading the report of Mark's research and conclusions in *The Literary Record*, Selina bought the diaries at an auction for £50 000. Soon afterwards, Selina allowed other historians to examine them, and it was very rapidly discovered that the diaries were definitely not genuine and were, in fact, worthless forgeries. By that time, the forger had disappeared with the money.

Reporters from other newspapers followed Mark to his weekend cottage to try to interview him. Mark hastily engaged Zak, a local joiner, to fit shutters to the outside of all his windows to protect his privacy. Whilst doing so, Zak fell from a ladder and broke his arm, when a rotten window sill on which he had placed his foot gave way under his weight. Zak was taken to the local medical centre where his broken arm was incorrectly treated as a bad sprain by the doctor on duty. Consequently, Zak failed to recover the full use of his arm, and was unable to continue working as a joiner.

- 0 7** Discuss the rights and remedies, if any, available to Selina against Mark and against *The Literary Record*. (25 marks)
- 0 8** Consider whether Zak has any rights and remedies against Mark, and against the doctor in connection with the injuries that he suffered. (25 marks)

**Turn over for the next section**

**Turn over ►**

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**Section C Concepts of Law**

Answer **one** question only from this section.

It is recommended that you spend 15 minutes planning your answer to Section C.

Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Each question carries 35 marks.

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Consider the meanings of justice and evaluate the barriers to achieving justice in civil **and/or** criminal law. *(30 marks + 5 marks for AO3)*

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Consider the relationship between law and morals and, using a range of examples, discuss why the debate concerning 'law and morality' continues to be important in the 21<sup>st</sup> century. *(30 marks + 5 marks for AO3)*

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Establishing liability based on fault is regarded as a fundamental principle of English law. Explore the arguments in support of this view, and critically comment on the exceptions to its application. *(30 marks + 5 marks for AO3)*

**END OF QUESTIONS**

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